

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

WILLIAM HALLEY,	)	Cause No. CV 04-206-M-DWM
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
BARBARA EVANS, JEAN CURTISS,	)	
BILL CAREY, MIKE McMEEKIN,	)	
and SUAN HINTZ,	)	
	)	
Defendants.	)	
	)	
	)	
THOMAS TUCKER, JR.	)	Cause No. CV-04-210-M-DWM
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
BARBARA EVANS, JEAN CURTISS,	)	
BILL CAREY, MIKE McMEEKIN,	)	
and SUAN HINTZ,	)	
	)	
Defendants.	)	
	)	
	)	
MONTY RAY DAVIS,	)	Cause No. CV-04-215-M-DWM
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
BARBARA EVANS, JEAN CURTISS,	)	
BILL CAREY, MIKE McMEEKIN,	)	
and SUAN HINTZ,	)	
	)	

Defendants. )  
\_\_\_\_\_ )

United States Magistrate Judge Leif B. Erickson entered Findings and Recommendation in this consolidated matter on June 6, 2006. He recommended dismissal of the complaints filed by Plaintiffs Shalinski, Littlewolf, Kibler, Gardipee, Washington, and Dunston. None of those Plaintiffs filed objections to his Findings and Recommendation and they are therefore not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Erickson concluded that the Plaintiffs' Complaints filed pursuant to 42 U.S.C. § 1983 should be dismissed without prejudice for failure to comply with this Court's orders, specifically for failure to keep the Court apprised of their current addresses. This Court issued a Show Cause Order in January of this year requiring the Plaintiffs to update their addresses with the Clerk of Court. None of the named Plaintiffs responded. All mail sent to their previously known addresses has been returned as undeliverable. The factors of Federal Rule of Civil Procedure 41(b) weigh in favor of dismissal.

Based on the forefoing, IT IS HEREBY ORDERED that:

1. Judge Erickson's Findings and Recommendation (dkt #81) are adopted in full.
2. The Complaints filed by Plaintiffs Shalinski, Littlewolf, Dunston, Kibler, Gardipee, and Washington are DISMISSED WITHOUT PREJUDICE. The following cases should be closed by the Clerk of Court:

9:04-CV-00224-DWM-JCL-Kibler v. Evans, et. al

9:04-CV-00225-DWM-JCL-Gardipee v. Evans, et. al

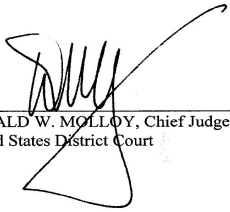
9:04-CV-00226-DWM-JCL-Littlewolf v. Evans, et. al

9:04-CV-00232-DWM-JCL-Shalinski v. Evans, et. al

9:05-CV-00105-JCL-Washington v. Evans, et. al

9:05-CV-00106-JCL-Dunston v. Evans, et. al

DATED this 9<sup>th</sup> day of August, 2006.



DONALD W. MOLLOY, Chief Judge  
United States District Court